

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) Docket No. SA-10-CR-536(1)-FB
) Docket No. SA-12-CR-666(1)-FB
ROBERT BROOKS,) San Antonio, Texas
) December 13, 2012
Defendant.)
_____)

TRANSCRIPT OF PRETRIAL CONFERENCE
BEFORE THE HONORABLE FRED BIERY
CHIEF UNITED STATES DISTRICT JUDGE

A P P E A R A N C E S:

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Chris Poage, RMR, CRR
United States Court Reporter

1 (Open court)

2 THE COURT: All right. Let's now call *United States*
3 *of America versus Robert Brooks*, again on the Ellis deadline
4 issues. This is Cause Number 536 -- excuse me -- 10-CR-536,
5 which is the mortgage fraud case, and 12-CR-666, which is the
6 aiding false tax returns and filing false tax returns case.

7 Announcements for the United States?

8 MR. HARRIS: Good morning, Your Honor. Bill Harris
9 for the United States. Ready to proceed.

10 THE COURT: And Mr. Gordon?

11 MR. GORDON: Stephen Gordon for Mr. Brooks, Your
12 Honor. We're ready to proceed.

13 THE COURT: Okay. And Mr. Brooks is here, let the
14 record reflect.

15 And no problems on pretrial for Mr. Brooks?

16 PRETRIAL OFFICER: No, Your Honor.

17 THE COURT: Okay. All right. So Mr. Brooks, you
18 have been here before a month or so ago, I think it was. And
19 Mr. Gordon has been your lawyer for a long time. I have seen
20 voluminous motions that he's filed on your behalf. You have
21 experts. You've sat in court now, at least twice that I know
22 of in this court.

23 And so, Mr. Gordon, today was the day -- and again,
24 because of the complexity of this case -- to decide what Mr.
25 Brooks chooses to do, it being his choice, so that we then can

1 start looking at dates and travel plans for other people and so
2 forth. So, Mr. Gordon, as to that issue, what do you
3 understand Mr. Brooks' desire to be?

4 MR. GORDON: Mr. Brooks continues to indicate that he
5 wants to proceed to trial on this case, Your Honor.

6 THE COURT: Okay. All right. And we're set then for
7 January 22nd. And so the record is clear and in case there
8 might have been some change, Mr. -- well, Mr. Harris, you think
9 we can do this within two weeks from the government's
10 perspective?

11 MR. HARRIS: Yes, Your Honor. I feel quite
12 confident.

13 THE COURT: Okay. And Mr. Gordon, you think so?

14 MR. GORDON: I'm not as confident. But, obviously,
15 how long the government takes is a huge factor so I'll --

16 THE COURT: Right. Well -- and I think I mentioned
17 this before. But the Wallace family -- the Wallace family has
18 this huge foundation now that gives money to various charities.
19 And you know how they made all that money, Mr. Gordon?

20 MR. GORDON: No.

21 THE COURT: Mr. Harris?

22 MR. HARRIS: No. I'm not familiar with the Wallace
23 family, so no.

24 THE COURT: Well, and I may be incorrect, but I'm
25 pretty sure. The Wallace family -- whoever started it, they

1 learned how to take great works of literature and lengthy
2 magazine -- books and magazine articles and condense them down
3 to what's -- the product was called the *Reader's Digest*. They
4 made millions. So if that can work in the business arena, and
5 trying to keep a jury awake and especially in this kind of
6 snoozer type of case, I would encourage both sides to try to
7 have some charts and pictures and something to jazz it up a
8 little bit, and also condense it down to that *Reader's Digest*
9 version, keeping in mind the government has the burden of
10 proof, and they have to meet each element and be confident.

11 But if they can -- if the government can do that, and
12 the defense can put on their evidence and get the defense point
13 across in a *Reader's Digest* fashion, number one, we can do it
14 in two weeks. But I think, frankly, from what I've observed,
15 the juries are pretty smart. They get a collective wisdom
16 pretty quickly. And they will be able to ferret through the
17 various pieces of evidence and come to their decision.

18 And then the other thing that was related, we talked
19 a little bit about whether we could start any earlier. Mr.
20 Harris, you had indicated not, and I think you had talked with
21 Mr. Gordon?

22 MR. HARRIS: Correct.

23 THE COURT: It occurred to me, after we talked, that
24 at the very least -- and you-all can think about -- you don't
25 have to decide right now. But we bring in panels on Mondays.

1 If, at the very least, we picked a jury on January the 14th and
2 then didn't -- and then had the jury come back on the 22nd to
3 start, that would save at least a half a day that we could
4 really hit it starting on the 14th. That's -- excuse me, on
5 the 22nd. So that's a possibility. Y'all confer about that.

6 All right. And in terms of pretrial preparations,
7 right now at least, Mr. Harris, anything further for the United
8 States?

9 MR. HARRIS: I don't believe so.

10 THE COURT: Okay. Mr. Gordon, for Mr. Brooks?

11 MR. GORDON: No, nothing, Your Honor.

12 THE COURT: All right. Very well. Mr. Brooks, do
13 you have any questions?

14 THE DEFENDANT: No, sir.

15 THE COURT: Okay. Good luck. Thank you, sir.

16 * * *

17 (End of requested transcript)

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2 I certify that the foregoing is a correct transcript
3 from the record of proceedings in the above-entitled matter. I
4 further certify that the transcript fees and format comply with
5 those prescribed by the Court and the Judicial Conference of
6 the United States.

7
8 Date: 8/28/2013

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